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23 WIKIMEDIA FOUNDATION, INC.

24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA
26 SAN FRANCISCO DIVISION

27 J. A. CASTRO,
28 Plaintiff,
v.
JOHN DOE 1 a/k/a CHETSFORD,
Defendant.

Case No. 3:23-mc-80198-TSH

**DECLARATION OF BENJAMIN H.
KLEINE IN SUPPORT OF THIRD-
PARTY WIKIMEDIA FOUNDATION,
INC.'S OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL**

Judge: Magistrate Judge Thomas S. Hixson

1 I, Benjamin Kleine, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California. I am a partner at
3 Cooley LLP, counsel for third-party Wikimedia Foundation, Inc. (“Wikimedia”) in the above-
4 captioned miscellaneous action. I submit this declaration in support of Wikimedia’s Opposition to
5 Plaintiff’s Motion to Compel (the “Opposition”). I have personal knowledge of the following and,
6 if called as a witness, could and would testify completely thereto.

7 2. Attached as **Exhibit A** is a true and correct copy of Plaintiff’s Verified Complaint
8 in pending matter *J.A. Castro v. John Doe 1 et al.*, No. 4-23CV-613-P (N.D. Tex. June 16, 2023)
9 (ECF No. 1), as downloaded from the court ECF website.

10 3. Attached as **Exhibit B** is a true and correct copy of Plaintiff’s Subpoena to Produce
11 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, served
12 on the Wikimedia Foundation, Inc., and dated June 28, 2023 (the “Subpoena”) served on
13 Wikimedia.

14 4. Attached as **Exhibit C** is a true and correct copy of Wikimedia’s Objections to
15 Plaintiff’s Subpoena, timely served on Plaintiff on July 12, 2023.

16 5. Attached as **Exhibit D** is a true and correct copy of email correspondence between
17 myself and Plaintiff, dated between July 12, 2023 and July 27, 2023. This correspondence reflects
18 my meet-and-confer discussions, on behalf of Wikimedia, with Plaintiff during this period. These
19 meet-and-confer discussions were conducted by telephone and email.

20 6. On July 20, 2023, I proposed on a call with Plaintiff that Wikimedia would
21 recommend that Chetsford provide a pseudonymized affidavit representing that Chetsford was not
22 and is not being paid to edit the John Anthony Castro Wikipedia page and that he was not and is
23 not coordinating with the Trump Campaign or any other political campaign.

24 7. On July 27, 2023, I emailed Castro to inquire about the reference to a “joint
25 statement” in his Motion to Compel. Castro responded saying, “for the Joint Statement, please
26 disregard. I mistakenly referenced E.D. CA Local Rule 251.”

27 8. Attached as **Exhibit E** is a true and correct copy of Plaintiff’s Original Complaint
28 in *John Anthony Castro v. Georgetown University and Nan Hunter*, No. 3:18-cv-00645-M (N.D.

1 Tex. Mar. 19, 2018) (ECF No. 1), as downloaded from the court ECF website.

2 9. Attached as **Exhibit F** is a true and correct copy of the official results of the March
3 9, 2004 Democratic Primary election from Webb County, Texas as available on the Webb County
4 website at: <https://www.webbcountytx.gov/ElectionsAdministration/ArchivedResults/ArchiveRes>
5 [ultFiles/2004/03-09-04-D.pdf](https://www.webbcountytx.gov/ElectionsAdministration/ArchivedResults/ArchiveRes).

6 10. Attached as **Exhibit G** is a true and correct copy of the official results of the State
7 of Texas's March 3, 2020, Republican Primary election for the United States Senate as available
8 on the State of Texas election results website at: <https://results.texas-election.com/races>.

9 11. Attached as **Exhibit H** is a true and correct copy of the official results of the State
10 of Texas' 2021 Special Election for the United States House of Representatives for Texas' 6th
11 Congressional District as available on the State of Texas election results website at:
12 <https://results.texas-election.com/races>, with highlighting added to the original.

13 12. Attached as **Exhibit I** is a true and correct copy of Plaintiff's Form 2 Statement of
14 Candidacy filed with the Federal Election Commission on January 30, 2022 as available on the
15 Federal Election Commission website at: <https://docquery.fec.gov/pdf/712/202201309475498712>
16 [/202201309475498712.pdf](https://docquery.fec.gov/pdf/712/202201309475498712).

17 13. Attached as **Exhibit J** is a compilation of true and correct copies of several articles
18 and publications concerning Castro's run for President of the United States in the 2024 and lawsuits
19 against Donald J. Trump available on public and for-pay websites. These articles include:

- 21 a. Alexandra Sakellariouzoe, *This Lawsuit May Stop Donald Trump's 2024*
22 *Presidential Campaign*, THE RICHEST (Jan. 6, 2023), [https://www.therichest.com/rich-powerful/this-lawsuit-may-stop-donald-](https://www.therichest.com/rich-powerful/this-lawsuit-may-stop-donald-trumps-2024-presidential-campaign)
23 [trumps-2024-presidential-campaign](https://www.therichest.com/rich-powerful/this-lawsuit-may-stop-donald-trumps-2024-presidential-campaign);
- 24 b. Zoe Tilman, *Trump Is Already Facing a Lawsuit to Stop His 2024*
25 *Campaign*, BLOOMBERG (Jan. 6, 2023), [https://news.bloomberglaw.com/us-](https://news.bloomberglaw.com/us-law-week/trump-is-already-facing-a-lawsuit-to-stop-his-2024-campaign)
26 [law-week/trump-is-already-facing-a-lawsuit-to-stop-his-2024-campaign](https://news.bloomberglaw.com/us-law-week/trump-is-already-facing-a-lawsuit-to-stop-his-2024-campaign).
- 27 c. Aaron Johnson, *John Anthony Castro: A Controversial Pursuit of the*
28 *Residency and the Unfolding of An American Dream*, KNEWZ (May 12,

2023), <https://knewz.com/john-anthony-castro-controversial-pursuit-presidency>; and

- d. Nick Reynolds, *Republican 2024 Presidential Candidate Wants to Kick Trump Off Ballot*, NEWSWEEK (Jul. 7, 2023), <https://www.newsweek.com/republican-2024-presidential-candidate-wants-kick-trump-off-ballot-1811412>.

14. Attached as **Exhibit K** is a true and correct copy of the biography of John Anthony Castro as available on the “Staff-Profile” section of castroandco.com at <http://castroandco.com/staff-profile/john-anthony-castro-j-d-ll-m>.

15. Attached as **Exhibit L** is a true and correct copy of the landing page of johncastro.com, which indicates it is the official website for Plaintiff’s 2024 John Anthony Castro One America United presidential campaign.

16. Attached as **Exhibit M** is a true and correct copy of the Memorandum Opinion of Chief Judge Barbara M. G. Lynn in *John Anthony Castro v. Georgetown University and Nan Hunter*, No. 3:18-cv-00645-M (N.D. Tex.), filed August 14, 2018 (ECF No. 19), as downloaded from the court ECF website.

17. Attached as **Exhibit N** is a true and correct copy of an article from the ABA Journal published on August 17, 2018 with the title “*Judge tosses Georgetown law grad’s suit over school job fair ban*,” as available on the ABA Journal website at: https://www.abajournal.com/news/article/judge_tosses_georgetown_law_graduates_suit_over_school_job_fair_ban.

18. Attached as **Exhibit O** is a true and correct copy of the docket in *J.A. Castro v. John Doe I et al.*, No. 4-23CV-613-P (N.D. Tex. June 16, 2023), as downloaded from the court ECF website as of August 14, 2023.

19. Attached as **Exhibit P** is a true and correct copy of Appellant’s Opening Brief in *John Anthony Castro v. Donald J. Trump*, No. 23-12111 (11th Cir. 2023), filed July 14, 2023 (ECF No. 7), as downloaded from the court ECF website.

20. Attached as **Exhibit Q** is a true and correct copy of Plaintiff John Anthony Castro’s Memorandum of Points and Authorities in Opposition to the Motion in Dismiss, in *John Anthony*

1 *Castro v. Federal Election Commission*, No. 22-cv-02176 (D.D.C. Nov. 7, 2022) (ECF No. 15), as
2 downloaded from the court ECF website.

3
4 I declare under penalty of perjury that the foregoing is true and correct to the best of my
5 knowledge. Executed on August 14, 2023, in San Francisco, California.

6
7 /s/ Benjamin Kleine

8 Benjamin Kleine
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